



Serving the Iowa Legislature

IOWA LEGISLATIVE INTERIM CALENDAR AND BRIEFING

October 21, 2011

2011 Interim No. 5

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• Administrative Rules Review Committee (10/11/11)	

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Monday, October 24, 2011

Mental Health and Disability Services Study Committee

10:00 a.m., Second Floor, Former Library, Ola Babcock Miller Building

Tuesday, November 1, 2011

Administrative Rules Review Committee

9:30 a.m., Room 116, Statehouse

Thursday, November 3, 2011

Lake Macbride Study Committee

10:00 a.m., Room 103, Supreme Court Chamber, Statehouse

Wednesday, November 9, and Thursday, November 10, 2011

Public Retirement Systems Committee

10:00 a.m. on Wednesday, 9:00 a.m. on Thursday, Room 103, Supreme Court Chamber, Statehouse

Wednesday, November 16, 2011

Legislative Tax Expenditure Committee

10:00 a.m., Room 116, Statehouse

State Fish and Game Protection Fund Study Committee

10:00 a.m., Room 102, Supreme Court Consultation Room, Statehouse

State Government Efficiency Review Committee

9:00 a.m., Room 103, Supreme Court Chamber, Statehouse

Thursday, November 17, 2011

Mental Health and Disability Services Study Committee

8:30 a.m., Second Floor, Former Library, Ola Babcock Miller Building

Monday, November 21, 2011

Government Oversight Committee

10:00 a.m., Room 116, Statehouse

Wednesday, November 30, 2011

Inmate Geriatric and Psychiatric Patients Study Committee

10:00 a.m., Department of Corrections Board Room, Jesse Parker Building

Iowa Legislative Interim Calendar and Briefing is published by the Legal Services Division of the Legislative Services Agency (LSA). For additional information, contact: LSA at (515) 281-3566.

AGENDAS

INFORMATION REGARDING SCHEDULED MEETINGS

Mental Health and Disability Services Study Committee

Co-Chairperson: Senator Jack Hatch

Co-Chairperson: Representative Renee Schulte

Location: Second Floor, Former Library, Ola Babcock Miller Building

Date & Time: Monday, October 24, 2011, 10:00 a.m.

Contact Persons: John Pollak, Legal Services, (515) 281-3818; Patty Funaro, Legal Services, (515) 281-3040; Rachele Hjelmaas, Legal Services, (515) 281-8127.

Agenda: Review of financial information.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?GA=84&CID=541>

Administrative Rules Review Committee

Chairperson: Senator Wally Horn

Vice Chairperson: Representative Dawn Pettengill

Location: Room 116, Statehouse

Date & Time: Tuesday, November 1, 2011, 9:30 a.m.

Contact Persons: Joe Royce, LSA Counsel, (515) 281-3084; Jack Ewing, LSA Counsel, (515) 281-6048.

Agenda: Published in the Iowa Administrative Bulletin:

<http://www.legis.state.ia.us/asp/BulletinSupplement/bulletinListing.aspx>

Lake Macbride Study Committee

Co-Chairperson: Senator Dennis Black

Co-Chairperson: Representative Jeff Kaufmann

Location: Room 103, Supreme Court Chamber, Statehouse

Date & Time: Thursday, November 3, 2011, 10:00 a.m.

Contact Persons: Ann Ver Heul, Legal Services, (515) 281-3837; Doug Adkisson, Legal Services, (515) 281-3884; Andrew Ward, Legal Services, (515) 725-2251.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?CID=544>

Public Retirement Systems Committee

Co-Chairperson: Senator Jack Kibbie

Co-Chairperson: Representative Dawn Pettengill

Location: Room 103, Supreme Court Chamber, Statehouse

Dates & Times: Wednesday, November 9, 2011, 10:00 a.m. and Thursday, November 10, 2011, 9:00 a.m.

Contact Persons: Ed Cook, Legal Services, (515) 281-3994; Andrew Ward, Legal Services, (515) 725-2251; Rick Nelson, Legal Services, (515) 242-5822.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?CID=57>

Legislative Tax Expenditure Committee

Co-Chairperson: Senator Joe Bolkcom

Co-Chairperson: Representative Thomas Sands

Location: Room 116, Statehouse

Date & Time: Wednesday, November 16, 2011, 10:00 a.m.

Contact Persons: Michael Duster, Legal Services, (515) 281-4800; Susan Crowley, Legal Services, (515) 281-3430.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?CID=511>

State Fish and Game Protection Fund Study Committee

Co-Chairperson: Senator Dennis Black

Co-Chairperson: Representative Henry Rayhons

Location: Room 102, Supreme Court Consultation Room

Date & Time: Wednesday, November 16, 2011, 10:00 a.m.

Contact Persons: Doug Adkisson, Legal Services, (515) 281-3884; Ann Ver Heul, Legal Services, (515) 281-3837; Jack Ewing, Legal Services, (515) 281-6048.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?CID=543>

AGENDAS

INFORMATION REGARDING SCHEDULED MEETINGS

State Government Efficiency Review Committee

Co-Chairperson: Senator Jeff Danielson

Co-Chairperson: Representative Peter Cownie

Location: Room 103, Supreme Court Consultation Room

Date & Time: Wednesday, November 16, 2011, 9:00 a.m.

Contact Persons: Rick Nelson, Legal Services, (515) 242-5822; Andrew Ward, Legal Services, (515) 725-2251; Ed Cook, Legal Services, (515) 281-3994.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?GA=84&CID=540>

Mental Health and Disability Services Study Committee

Co-Chairperson: Senator Jack Hatch

Co-Chairperson: Representative Renee Schulte

Location: Second Floor, Former Library, Ola Babcock Miller Building

Date & Time: Thursday, November 17, 2011, 8:30 a.m.

Contact Persons: John Pollak, Legal Services, (515) 281-3818; Patty Funaro, Legal Services, (515) 281-3040; Rachele Hjelmaas, Legal Services, (515) 281-8127.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?GA=84&CID=541>

Government Oversight Committee

Senate Chairperson: Senator Thomas Courtney

House Chairperson: Representative Chris Hagenow

Location: Room 116, Statehouse

Date & Time: Monday, November 21, 2011, 10:00 a.m.

Contact Persons: Sue Lerdal, Fiscal Services, (515) 281-7794; Rick Nelson, Legal Services, (515) 242-5822; Doug Adkisson, Legal Services, (515) 281-3884.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?CID=41>

Inmate Geriatric and Psychiatric Patients Study Committee

Co-Chairperson: Senator Tom Hancock

Co-Chairperson: Representative Gary Worthan

Location: Department of Corrections Board Room, Jesse Parker Building

Date & Time: Wednesday, November 30, 2011, 10:00 a.m.

Contact Persons: Joe McEniry, Legal Services, (515) 281-3189; Rachele Hjelmaas, Legal Services, (515) 281-8127.

Agenda: To be announced.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?CID=542>

ADMINISTRATIVE RULES REVIEW COMMITTEE

October 11, 2011

Chairperson: Senator Wally Horn

Vice Chairperson: Representative Dawn Pettengill

ADMINISTRATIVE SERVICES DEPARTMENT, *Definition of "Confidential" Employees, 9/07/11 IAB, ARC 9738B, NOTICE.*

Background. This proposal is a general re-write of the department's information technology and personnel rules; at issue in this large rulemaking is the definition of the term "confidential employee." A confidential employee is exempt from the merit employment system and is an "at will" employee.

Commentary. The current, highly detailed rule defines the term "confidential employee" based on the function of the employee. The proposal is based upon the definition of "confidential employee" in Iowa Code §20.3, relating to collective bargaining. This definition is broad and could have the effect of making many additional employees, including human resources employees, who are currently under the merit employment system, exempt from its coverage and protection. The proposed definition would include:

"...any public employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in negotiating or who works in a close working relationship with public officers or representatives associated with negotiating on behalf of the public employer."

Department representatives stated that the intent of this change is to have a single definition of the term "confidential employee" by incorporating the Iowa Code definition. They stated that there was no intention on the part of the department to alter the employment status of any employees. The representatives stated that the definition, as set out in the notice, would not be adopted, but offered no alternatives at this point.

A number of human resources employees attended the meeting and contended that it is not appropriate to use the Iowa Code Chapter 20 definition, which relates specifically to collective bargaining. They also stated that the purpose of Iowa Code Chapter 20 is to establish and define which public employees could or could not participate in employee organizations and could or could not be represented through the collective bargaining process—nothing more. They expressed concern that the new definition would result in a loss of their merit status. They also alleged a number of irregularities in the rulemaking process itself.

Committee members also expressed concern about this proposal, questioning whether this change offers any public benefit. Members asked how many employees would be affected by this change, and the department representatives stated that figure is not known at this time. Members asked the department to keep them updated on any changes made to this item before the rulemaking returns to the Committee for further review.

Action. No action taken.

DEPARTMENT OF EDUCATION, *Senior Year Plus, 8/24/11 IAB, ARC 9684B, NOTICE.*

Background. The Senior Year Plus Program allows high school seniors to enroll in college-level courses at community colleges. 2011 Acts, S.F. 470, §12, struck language in Iowa Code §261E.8 which provided that the student is responsible for transportation to and from the community college.

Commentary. The elimination of the travel language was part of the department's legislative package in 2011. Department representatives noted that the Senior Year Plus Program, unlike other college-credit programs, is actually part of the high school curriculum, for which the school receives state aid, from \$336 up to \$1,170 and perhaps more. Department representatives maintain that part of this money should be used to transport the students, noting that no student could be denied access to this program based on transportation issues. The department representatives did state this rulemaking would be withdrawn pending legislative consideration.

Action. No action taken.

Next Meeting. The next regular Committee meeting will be held in Room 116, Statehouse Main Floor, on **Tuesday, November 1, 2011**, beginning at 9:30 a.m.

LSA Staff: Stephanie Hoff, Administrative Code Editor, (515) 281-3355.

LSA Contacts: Joe Royce, LSA Counsel, (515) 281-3084; Jack Ewing, LSA Counsel, (515) 281-6048.

Internet Page: <http://www.legis.iowa.gov/Schedules/committee.aspx?CID=53>.